United Nations S/2002/311

Security Council

Distr.: General
26 March 2002
English
Original: Arabic

Letter dated 25 March 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 23 March 2002 from His Excellency Sheikh Sabah Al-Ahmad Al-Jaber Al-Sabah, First Deputy Prime Minister and Minister for Foreign Affairs of the State of Kuwait.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Mohammad A. **Abulhasan**
Permanent Representative

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Annex to the letter dated 25 March 2002 from the Permanent Representative of Kuwait to the United Nations addressed to the President of the Security Council

I should like to inform you that on the morning of Friday, 15 March 2002, the Iraqi police in the Umm Qasr border area arrested Jasim Muhammad al-Randi, a Kuwaiti national, and Ahmad Abd al-Aziz, an Egyptian national, who had been accompanying the mayor of Caracas and the ambassador of Venezuela to Kuwait on a visit to the headquarters of the Venezuelan unit working with the United Nations Iraq-Kuwait Observation Mission (UNIKOM) in the demilitarized zone. The two were detained by the Iraqi police when the retinue accompanying the guest entered Iraqi territory by mistake owing to a miscalculation by a member of the UNIKOM staff.

Although the Iraqi police realized that the two who were detained had entered Iraqi territory owing to a mistake for which UNIKOM was responsible, they nevertheless instructed the Venezuelan ambassador and the mayor of Caracas to return to Kuwaiti territory and took the Kuwaiti national Jasim al-Randi and the Egyptian national Ahmad Abd al-Aziz to the police station at Umm Qasr and from there sent them to Baghdad.

It is most regrettable that, although a week has passed since the incident took place, the Iraqi authorities are continuing to hold the Kuwaiti national after having released the Egyptian national. On 21 March 2002, an official spokesman for the Iraqi Ministry of Foreign Affairs stated that, out of appreciation for the efforts made by the Secretary-General of the League of Arab States, Iraq had decided to free the Egyptian national.

As a condition for the release of the Kuwaiti national, Iraq is demanding that Kuwait should release Iraqi prisoners who allegedly entered Kuwaiti territory by mistake. They are thus declaring that he is being held as a hostage for purposes of bargaining, a practice that, regrettably, the Iraqi Government has habitually adopted in its dealings with the Security Council resolutions relating to its aggression against Kuwait.

Kuwait condemns the conduct of the Iraqi Government in its approach to this issue, which is blatantly and manifestly incompatible with international law and custom, and it rejects in the strongest terms the claim of the Iraqi Government that Kuwait is holding Iraqi nationals who entered Kuwaiti territory by mistake as false and lacking any basis in fact. In the past the Kuwaiti authorities have in a number of isolated incidents involving Iraqi herdsmen returned such herdsmen to Iraq immediately, and they have not detained any of them. Those currently being held by Kuwait are Iraqi prison inmates who have been convicted in accordance with fair judicial verdicts that have met the customarily accepted legal requirements of due process. Accordingly, there is absolutely no similarity between the legal status of the latter and that of the Kuwaiti national presently being held in Iraq. Kuwait also has nothing to hide from the representatives of the International Committee of the Red Cross (ICRC), and, regardless of Iraq's claims to the contrary, its prisons are always open to visits by ICRC officials wishing to inspect the conditions in which their inmates are kept.

It is a matter for concern that the Iraqi Government is continuing its habitual practice of fabricating crises in the border area, and this confirms Kuwait's fears and suspicions concerning Iraqi intentions that clearly do nothing to advance efforts to achieve security and stability in the region.

Kuwait appreciates the efforts being made and the consultations being held by the United Nations, the League of Arab States, ICRC and other entities with a view to resolving the issue of the Kuwaiti national being held. We urge the Security Council to meet its legal and political responsibilities and to bring further pressure to bear on Iraq to desist from its practice of seeking trade-offs in cases of a purely humanitarian character such as this. We further urge you to redouble your efforts and to intervene personally with the Iraqi Government in order to require it to honour its responsibilities in accordance with the provisions of the Charter of the United Nations and international law and to take the necessary measures to ensure the safety of the detainee and his repatriation to Kuwait.

(*Signed*) Sabah Al-Ahmad Al-Jaber **Al-Sabah**
First Deputy Prime Minister
Minister for Foreign Affairs